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The Marsilian Sea-Change

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The Marsilian Sea-Change

Ariel's Song:

Full fathom five thy Father lies
Of his bones are Coral made
Those are pearls that were his eyes,
Nothing of him that doth fade,
But doth suffer a Sea-change
Into something rich, and strange:
Sea-Nymphs hourly ring his knell.

-The Tempest, Act I, Sc. ii

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Understanding an intellectual revolution involves two steps. First, it involves, through its historical context, understanding what the change consists in and its significance. Second, it requires comprehension of the mechanisms of the change. I propose to examine Marsilius’s political theory as such a revolution; one that overthrows the religious framework of the political thought of his time to replace it with one firmly grounded in secular authority. First, I outline the nature of its departure from previous thought, then I look at two key arguments that Marsilius utilizes to break with antecedent tradition: the argument from unity, and the people’s church\(^1\) argument. The first gets Marsilius a secular monopoly of coercive power, including secular control over religious personnel, to the extent of effective secular control of divine law. With the second, defining the church as the body of believers as a whole, Marsilius pulls the ground out from under the papal hierarchy, denying it even properly spiritual authority.

**Sea-Change**

Marsilius’s *Defensor Pacis* marks a striking departure from antecedent political thought. He departs, first of all, from Saint Augustine’s theological conception of the state. For Augustine, earthly government is merely instrumental to man’s eternal goal of heaven.\(^2\) Being fallen, it can never be perfect. Augustine limits the purpose of earthly government to being “supports” for the believer, “which help him more easily to bear the burdens of ‘the corruptible body which weighs heavy on the soul’”\(^3\) Medieval Aristotelians, like Aquinas, while taking on

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\(^1\) This term was proposed by Alan Gewirth in *Vol I: Marsilius of Padua and Medieval Political Philosophy*

\(^2\) “Thus even the Heavenly City in her pilgrimage here on earth makes use of the earthly peace and defends and seeks the compromise between human wills in respect of the provisions relevant to the mortal nature of man, so far as may be permitted without detriment to true religion and piety.” Saint Augustine, *Concerning the City of God against the Pagans*, trans. Henry Bettenson (London: Penguin Classics, 1984) 878.

\(^3\) Augustine 877.
board Aristotle’s definition of the state as a “complete” or perfect community. Nonetheless restrict its power to the temporal, using characteristically Aristotelian reasoning:

> For those who are responsible for the intermediate ends should be subject to the one who is responsible for an ultimate end should rule over those who are in charge of things that are ordered to that end and should direct them by his rule. It is clear from this that just as the king ought to be subject to the dominion and rule of the priestly office, so he should rule over all human offices and direct them by the power of his rule.  

Aquinas thus carefully circumscribes secular authority using the “ends” criterion, reasoning that secular authority extends only so far as its ends are superior to the ends of other parts of the state. Marsilius rejects the Thomistic reasoning as well as the Augustinian. By the end of the Second Discourse, he has turned the Augustinian tradition on its head, while claiming a strict adherence to Scripture. He reveals the papacy as a usurper of legitimate authority, and all power that Augustine or Aquinas ascribe to the papal hierarchy is reallocated either to God, the church (understood as the entire body of believers), or the human legislator (consisting of the citizens of the state).

Marsilius achieves this narrowing of focus onto a political view of the state by shifting from a focus on final causes (a la Aristotle) to efficient causes. This amounts to a shift from ends to means. Instead of looking at final ends, which thinkers before him had used to restrict secular authority, he looks at efficient causes, which highlights the immediate, effective and human rather than teleological. Marsilius seeks to present to us what he deems the correct focus of our concern. Efficient causes, then, form the pivot around which Marsilius reallocates authority. He

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3 This development is analyzed by Alan Gewirth in *Marsilius of Padua: The Defender of Peace, Volume I: Marsilius of Padua and Medieval Political Philosophy* (New York: Columbia University Press, 1951) 113.
presents in the *Defensor Pacis* two new loci of authority: the human legislator and the church (understood as the body of believers). Each is the efficient cause of government and priesthood respectively.

**The Argument from Unity**

The ruler must determine the persons, the quantity and the quality of these parts or offices of the state, with respect to their number, their ability, and other similar considerations, in order that the polity may not be destroyed through an immoderate excess of one part in relation to the others.\(^8\)

For all the other parts are ordered by and toward the ruler as the first of all the parts for the status of the present world. For in the civil community that part is first which has to establish, determine, and conserve the others in and for the status of the present world or the civil end. But such is the part which rules in accordance with human law, as we have already concluded by probably and demonstrative reasoning. Therefore, it is the first of all the parts of the state, and the others are ordered to it.\(^9\) (my italics)

Passages such as these may appear to be mere re-statements of Aristotelian/Thomistic principles and thus strictly conservative. After all, Marsilius is careful to qualify such passages with phrases such as “for the status of the present world”. This would seem to hint at the ruler’s authority being restricted to secular matters, which is very much in keeping with a Thomistic approach to politics. Yet from such modest claims as these Marsilius derives nothing less than secular authority over religious personnel accompanied by a secular monopoly of coercive power, including secular control of divine law! How does he get here?

The medieval Aristotelians who preceded Marsilius followed Aristotle in basing the justification of political authority on the fact that the ends of politics embrace the ends of all the

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\(^8\) Marsilius, *Volume II: The Defensor pacis*, p66 (Discourse I, Chapter XV, 9).

\(^9\) Ibid., p67 (Discourse I, Chapter XV, 14).
other sciences.\textsuperscript{10} But this rationale also implied the limitation of political authority where there was a higher end. Given that Marsilius at various points concedes the superiority of spiritual ends to the temporal,\textsuperscript{11} he cannot be using the same sort of argument for justifying secular monopoly of coercive power. So how is he doing this?

From a relatively uncontroversial starting point. Marsilius sets the stage for his key arguments by making several distinctions. First, he takes a preliminary stab at abstracting from the moral-theological sumnum bonum of his Aristotelian predecessors by making a distinction between two kinds of living well: the temporal and the eternal. The means of temporal living well is rationally demonstrable – this is just “the necessity of civil community, without which this sufficient life cannot be obtained”. This is contrasted with the means of eternal living well, which is incapable of proof by demonstration.\textsuperscript{12} Note, however, that Marsilius does not hence conclude that the state is therefore unconcerned with living well in the eternal sense. The end of the state is living well, and since living well incorporates both temporal and earthly kinds of living,\textsuperscript{13} the state cannot and does not relinquish control over spiritual matters. It is precisely because the state has a concern with the future life as well as the present one, the priesthood forms one of its parts.\textsuperscript{14} Already here, Marsilius has narrowed the focus to the temporal means for living well.


\textsuperscript{11} Marsilius, *Volume II: The Defensor pacis*, pp417-419 (Discourse II, Chapter XXX, 1-4).

\textsuperscript{12} Ibid., pp12-13 (Discourse I, Chapter IV, 3).

\textsuperscript{13} Ibid.

\textsuperscript{14} Ibid., p14 (Discourse I, Chapter IV, 4). On p23 (Discourse I, Chapter VI, 8) Marsilius specifies the role of the priesthood: “The end of the priesthood, therefore, is to teach and educate men in those things which, according to the evangelical law, it is necessary to believe, do, and omit in order to attain eternal salvation and avoid misery.”
At the same time, Marsilius shifts focus from the end of the state, which is the “sufficient life,” to “the specifically political efficient causes for establishing and preserving the state and its institutions as the indispensable means for achieving the sufficient life.”

Having thus directed our attention, Marsilius is in a position to put forth an argument for the necessity of unity in the state or city. In the abovementioned moves, he has established first, that we have control over and proof of only temporal means of living well. Second, he has the reader committed to the preservation of the state (as the indispensable means for achieving the sufficient life). From here, Marsilius argues that the numerical unity of the supreme government is necessary for the state or city to be “rightly ordered”. On the flip side of this, a lack of numerical unity will lead to the destruction of the state:

If there were several governments in the city or state, and they were not reduced or ordered under one supreme government, then the judgment, command, and execution of matters of benefit and justice would fail, and because men’s injuries would therefore be unavenged the result would be fighting, separation, and finally the destruction of the city or state.

Thus, Marsilius concludes, numerical unity of the supreme government of the city or state is required. Having established the necessity of this unity, Marsilius proceeds to define it as necessarily that of the ordering of the parts of the state by its ruling part. The unity of the city or state is “a unity of order”. A plurality of men are said to be one city or state because they are related to the government, “toward which and by which they are ordered and governed”. Marsilius thus grounds his claim that the ruling part must be the supreme part of the state not by saying, a la Aristotle, that the ruler’s ends encompass all other ends, but by anchoring the

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16 Marsilius, Volume II: The Defensor pacis, pp80-81 (Discourse I, Chapter XVII. 2).
17 Ibid., p81 (Discourse I, Chapter XVII. 3).
18 Ibid., p85 (Discourse I, Chapter XVII. 11).
19 Ibid.
primacy of secular authority in the absolute necessity of the ruling part’s function as efficient cause of the preservation of the state. This removes the limitations on secular authority that the traditional Aristotelian view posed. These limitations were the justification for removing the priesthood from the sphere of secular authority; Marsilius, in effect, establishes positively the sway of political authority over the religious/spiritual parts of the state.\textsuperscript{20}

At the same time, Marsilius undercuts the papalist argument that the unity of the church requires that it have a single head as the source of all authority within it. The unity of the priesthood is achieved “\textit{despite} the numerical plurality of the persons in it...because men are referred to one active command of the ruler in accordance with the determination of the law.”\textsuperscript{21} In Marsilius’s framework, the unity of the priesthood derives not from the headship of the pope, but from the fact of the priesthood’s subordination to temporal power!\textsuperscript{22}

The phrase “in accordance with the determination of the law” directs us both to the nature of this power that is denied the priests, and to the part of the state that it resides in. The “law” is the embodiment of coercive power.\textsuperscript{23} The authority to make laws belongs “only to the whole body of the citizens or to the weightier part thereof”.\textsuperscript{24} The government, or “ruling part”, then holds supreme power in accordance with the law. Given the above argument from unity, this translates into a state monopoly of coercive force, deriving its legitimacy from the multitude of citizens. Thus not only are religious personnel shown to be necessarily subject to political authority, but Marsilius at the same time demonstrates that, whatever power the religious part of the state possesses cannot be coercive in nature.

\textsuperscript{20} Gewirth, \textit{Marsilius of Padua: The Defender of Peace: Volume I: Marsilius of Padua and Medieval Political Philosophy}; 113.
\textsuperscript{21} Marsilius, \textit{Volume II: The Defender pacis}, p86 (Discourse I, Chapter XVII, 12).
\textsuperscript{22} Ibid., p86n19 (Discourse I, Chapter XVII, 12).
\textsuperscript{23} Ibid., p26 (Discourse I, Chapter XI, 4).
\textsuperscript{24} Ibid., p46 (Discourse I, Chapter XII, 5).
The People's Church

It would seem that such a picture could conceivably still leave room for religious authority over issues not affecting temporal matters. However, Marsilius denies even this. Using the argument from unity, all those powers with temporal effects, affecting the "status of the present world", are placed under secular jurisdiction. But it is really Marsilius's conception of the meaning of the "church" that delivers the coup de grace to the papacy's claim to power.

Marsilius defines the "truest meaning" of the word "church" as "the whole body of the faithful who believe in and invoke the name of Christ, and all the parts of this whole body in any community, even the household." In so doing, Marsilius turns the accepted hierarchy of the Catholic church upside-down, granting to the whole body of believers control of spiritual powers that had heretofore belonged to the pope and the bishops. He "weakens the continuum between priesthood and God, reverses the superiority of clergy over laymen, and equalizes priests, bishops, and pope in that respect in which their authority had been considered essentially unequal."

He arrives at these startling results by making a Scripture-based distinction between "essential" and "accidental" powers of the priesthood. These derive from divine and human appointment respectively. The "essential" authority of the priest derives directly from Christ, and is "the same in kind among all priests", the pope having no more of it than has any simple priest. The "accidental" powers of the priesthood, however, which gives rise to hierarchy

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25 This is somewhat ironic, given Aquinas's use of this selfsame Aristotelian principle to limit secular authority.
26 Marsilius, Volume II: The Defensor pacis, p103 (Discourse II, Chapter II, 3).
27 Gewirth, Marsilius of Padua: The Defender of Peace: Volume I: Marsilius of Padua and Medieval Political Philosophy, p262.
28 Marsilius, Volume II: The Defensor pacis, p235 (Discourse II, Chapter XV, 4).
within the priesthood, are “made by man”.

In one fell swoop, Marsilius levels the hierarchy of the church and its claim to being a divinely-instituted hierarchy.

Marsilius denies the pope and bishops even spiritual authority proper. The religious hierarchy of pope and bishops, according to Marsilius, is no longer to have control of excommunication, the power to elect the priesthood to its posts, to define articles of faith through the general council, to elect the general council, to make binding all its decisions, or to elect the pope. Forgiveness of sin and coercive power in the next life is returned to God (who is in no competition for secular authority). Thus “the priesthood loses its political or institutional authority to the whole body of the faithful, and its religious or sacramental authority to God.”

The case of ecclesiastical appointments is an instance where the two arguments – the argument from unity and from the idea of the people’s church – overlap. Thus Marsilius’s defense of awarding such authority to the people’s church (which is just the body of citizen-believers in the community) and/or the human legislator runs as follows:

If a person who is promoted to the priesthood is morally vicious, or ignorant, or in both ways deficient, and is nevertheless made overseer and guide of a faithful people, then this person is faced with the danger of eternal death and grave civil harm.

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30 Ibid., pp247-250 (Discourse II, Chapter XVI, 10-14).
31 Ibid., pp148-152 (Discourse II, Chapter VI, 12-13).
32 Ibid., pp260-264 (Discourse II, Chapter XVII, 11-15).
33 Ibid., pp80-282 (Discourse II, Chapter XX, 2-4).
34 Ibid., pp287-289 (Discourse II, Chapter XXI, 1.3).
35 Ibid., pp292-293 (Discourse II, Chapter XXI, 8-9).
36 Ibid., pp306-7 (Discourse II, Chapter XXII, 11).
37 Ibid., pp146-147 (Discourse II, Chapter VI, 9).
The argument here is twofold, dealing with the dual effect, spiritual and secular, of a vicious appointee. The spiritual harm ("eternal death") gives rise to the claim of the church, understood as the entire body of believers, to adjudicate such appointments lies primarily in Scripture. But Marsilius appeals also to an argumentative strategy analogous to the one establishing secular authority in the law: The greatest portion of discernment/wisdom lies in multitude of believers, so they should judge. But their judgment does not extend to any sort of coercive action. As the argument from unity established, the only legitimate wielder of coercive power is the secular ruler, whose power comes from the human legislator. A separate argument thus needs to be given for secular intervention in ecclesiastical appointments.

What justifies secular intervention, then, is “grave civil harm”. The human legislator is warranted in intervening as the supreme guardian of the state’s end of having its citizens live well.

Hence, if for the attainment of temporal welfare it is expedient that the legislator determine the persons who are to be named to the other offices of the state, and appoint or designate the person of the ruler...then it seems that so much the more does it pertain to the same human legislator or the whole body of the faithful to determine who should be promoted to the priestly office, and to appoint priests in their pastoral office. For although a vicious ruler can inflict grave harm for the status of the present world, namely, temporal death, yet a vicious priest or ecclesiastic pastor can by his action inflict an even graver injury, namely, eternal death.

This calls upon the argument from unity: It pertains to the human legislator to determine priestly appointments because the ruling part of the state provides the principle of order for the unity of the state. Precisely because the unitary state has a concern with the future life as well as the present one, the priesthood must be subsumed under its jurisdiction. Civilian control of the

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41 Ibid., p261 (Discourse II. Chapter XVII. 11): “But such discernment is and reasonably ought to be in the power of the faithful people, for otherwise it could not avoid this evil.”
42 Ibid., p262 (Discourse II. Chapter XVII. 12)
ecclesiastical orders extends to coercive power over ecclesiastical personnel: "the ecclesiastic minister must and reasonably can be compelled by the human legislator or the ruler to perform and administer the sacraments which are necessary for salvation. like baptism. if. being vicious, he refuses to do this."\textsuperscript{43} Taken together, these two key arguments leave scant room for papal power of any meaningful sort.

\textit{A Limited Argument}

Has Marsilius proven too much? Has he provided grounds for eroding the secular authority of the prince as well as papal claims to plenitude of power? Certainly, Marsilius establishes the dominance of the temporal power over spiritual. Could not the same arguments he uses against the pope be used against the prince?

Though Marsilius uses the terms "ruler" and "human legislator" more or less interchangeably in the Second Discourse, he reiterates at various points what he established in the First Discourse: that the ruler's power derives from its efficient cause: the people who elect him. God is the "remote cause" of all governments. However, in most cases, God chooses to act indirectly, by working through humans. to whom he grants "discretionary will" for the establishment of governments.\textsuperscript{44} Thus

\begin{quote}
The efficient power to establish or elect the ruler belongs to the legislator or the whole body of the citizens, just as does the power to make the laws...And to the legislator similarly belongs the power to make any correction of the ruler and even to depose him. if this be expedient for the common benefit.\textsuperscript{45}
\end{quote}

\textsuperscript{43} Marsilius. \textit{Volume II: The Defensor pacis}. p262 (Discourse II. Chapter XVII, 12).

\textsuperscript{44} Marsilius. \textit{Volume II: The Defensor pacis}. p29 (Discourse I. Chapter IX. 2).

\textsuperscript{45} Marsilius. \textit{Volume II: The Defensor pacis}, p61 (Discourse I. Chapter XV. 2).
The ruler is therefore the executive of the human legislator, and acts for the whole people. Although the unity argument entrenches that power to the exclusion of all other forms of power, that argument does nothing to erode the ultimate source of coercive authority— the people.

Moreover, at the same time as he undermines the priesthood’s claim to be a divinely-sanctioned hierarchy, Marsilius establishes the secular ruler as possessing that very divine sanction. He quotes the apostles Peter and Paul in saying that “kings and dukes are sent by God ‘for the punishment of evil-doers,’” that is, to take revenge upon them in this world by coercive force; but neither these apostles nor the saints expounding their words ever said that bishops and priests were sent for this purpose, but rather the opposite.” Combining popular election with divine appointment, Marsilius uses the unity and people’s church arguments to do the precise opposite for secular government as he does to papal plenitude of power. Ultimately, Marsilius is only able to do this because he has already, in the first Discourse, democratized state power by identifying the people (as the human legislator), as the source of all legitimate coercive power. Secular power is thus insulated from the arguments Marsilius marshals against the papal edifice. Given the prevalence of absolutist government during the period of history in which he wrote, it is only fair to remark that the sea change I have outlined in this paper is not the only one Marsilius effected. Undergirding this shift from religious to secular is perhaps the greater revolution: one that located the source of all legitimate power in the people as legislator.

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*Marsilius. Volume II: The Defensor pacis. p.138 (Discourse II, Chapter V, 8).*